

Introduced by Senator Kehoe

February 19, 2010

An act to add Section 188.7 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1234, as introduced, Kehoe. Water: unreasonable use.

Under existing law, the right to water or to the use of water is limited to that amount of water that is reasonably required for the beneficial use to be served, and does not extend to the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water. Existing law requires the Department of Water Resources and the State Water Resources Control Board to take appropriate actions to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water.

This bill would require the board, by January 1, 2012, to adopt regulations to identify unreasonable uses of water during various periods of water shortage, as specified, and would set forth related legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California Constitution requires that all water be put to
- 4 a reasonable and beneficial use.

1 (b) What constitutes a reasonable use of water during a period
2 of ample water supply may not constitute a reasonable use of water
3 during a period of water shortage.

4 (c) It is appropriate for the State Water Resources Control Board,
5 in order to guide local urban water agencies with regard to the
6 reasonable use of water during periods of water shortage, to adopt
7 regulations to identify unreasonable uses of water during periods
8 of water shortage.

9 SEC. 2. Section 188.7 is added to the Water Code, to read:

10 188.7. (a) The board, by January 1, 2012, shall adopt
11 regulations to identify unreasonable uses of water during various
12 periods of water shortage.

13 (b) For the purposes of subdivision (a), the board shall identify
14 unreasonable uses during a 10 percent or more water supply
15 shortage, a 20 percent or more water supply shortage, and a 30
16 percent or more water supply shortage.